

**U.S. Department of the Interior  
Bureau of Land Management  
Kremmling Field Office  
P O Box 68  
Kremmling, CO 80459**

## **DETERMINATION OF NEPA ADEQUACY (DNA)**

NUMBER: DOI-BLM-LLCON02000-2014-017-DNA

CASEFILE/PROJECT NUMBER: Permit 0501780 and Lease 0501932

PROJECT NAME: Livestock Grazing Preference Renewal

LEGAL DESCRIPTION: Federal land associated with Bureau of Land Management (BLM) livestock Grazing Permit #0501780 and Lease#0501932 which includes all or part of the following:

Grazing Permit #0501780  
Allotment 07542 (McQueary Gulch)  
T. 1 N., R. 79 W., 6<sup>th</sup> P.M., Sections 32, 33, 34.

Grazing Lease #0501932  
Allotment 07767 (McQueary Gulch)  
T. 1 S., R. 79 W., 6<sup>th</sup> P.M., Sections 4, 5.

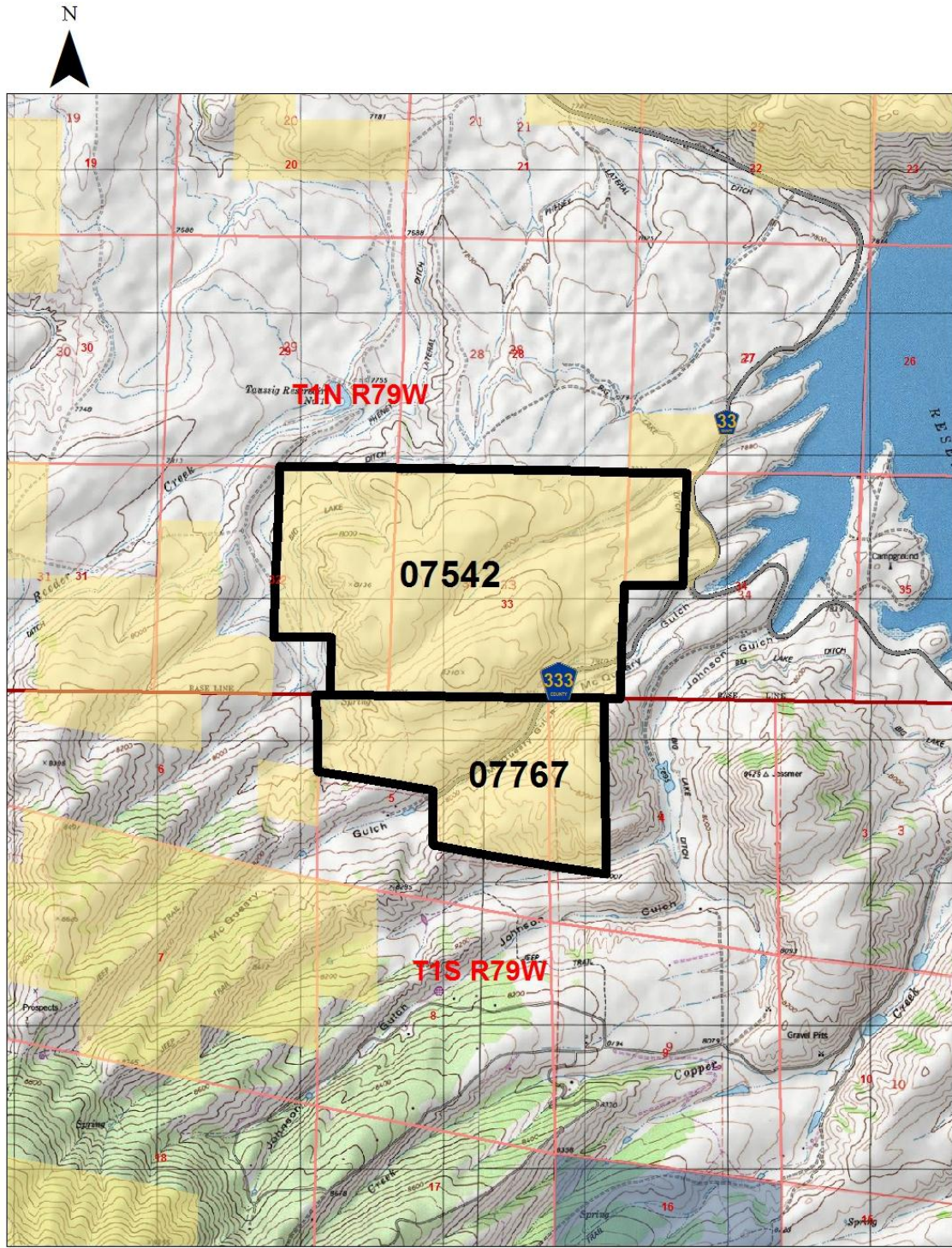
APPLICANT: Kelly and Shawn Farrell

ISSUES AND CONCERNS: NONE

DESCRIPTION OF PROPOSED ACTION:

BLM would renew grazing permit 051780 and lease 051932, with the Standard Terms and Conditions (see attachment) and additional terms and conditions for a period of 10 years beginning March 1, 2014 and ending February 28, 2024. The two allotments are not separated by a fence and would be grazed under one management system. A permit would still be issued for allotment 7542 and a lease for allotment 7767.

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BLM, Kremmling FO 2010

Red box shows map location.

#### Legend

- Ferralls
- Highway Labels

#### State Highways

#### Legend

- U.S./State

#### ROUTE SIGN

- Interstate



0.55

Miles

1:24,000

No Warranty is made by the Bureau of Land Management as to the Accuracy, Reliability, or Completeness of this Data for Individual Use or Aggregate Use with Other Data. Last edited by cll.

The number/kind of livestock, period of use, percent public land and Animal Unit Months (AUMS) will remain the same as the previous permit. The permit would be issued for a 10-year period, unless the base property is leased for less, but for purposes of the DNA we are assuming 10 years of grazing by this applicant. The proposed action is in accordance with 43 CFR 4130.2. Scheduled grazing use and grazing preference for the permit are summarized below.

Permit 051780

Allotment 7542          62 cattle          5/20-9/20          100% Public Land\*\*    253 AUMs\*

Lease 051932

Allotment 7767          16 cattle          5/20-9/20          100% Public Land    65 AUMs

\*AUM = animal unit month = amount of forage required to support 1 cow and calf for 1 month.

\*\* % Public Land is the percentage of forage within the public land (BLM) portion of the allotment.

Decision to be Made: The decision to renew the Grazing Permit 051780 and Grazing Lease 051932 for the applicant Kelly and Shawn Farrell. The renewed permit and lease would be subject to the existing authorized grazing plan, mitigation measures, compliance and monitoring.

#### PLAN CONFORMANCE REVIEW:

Name of Plan: Kremmling Resource Management Plan (RMP), Record of Decision (ROD)

Date Approved: December 19, 1984; Updated February 1999

Decision Number/Page: Livestock grazing pages 6 through 8, as revised.

Decision Language: Objectives of the RMP/ROD include allocation of a base level livestock forage and maintaining or improving forage production and condition in areas where livestock grazing is a priority or is compatible with the land use priority. The RMP/Rod designated the project area with a livestock priority. Livestock grazing is compatible with this designation.

#### REVIEW OF EXISTING NEPA DOCUMENTS:

List by name and date all existing NEPA documents that cover the Proposed Action.

Name of Document: CO-KRFO-00-08-EA    Date Approved: 4/26/2000

#### NEPA ADEQUACY CRITERIA:

1. Is the new Proposed Action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar  
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to those analyzed in the existing NEPA document? If there are differences, can you explain why they are not substantial? **YES**

**The new livestock grazing permit will contain the same terms and conditions, stocking rate and grazing schedule as the permits issued in 2009 and 2010.**

2. Is the range of alternatives analyzed in the existing NEPA document appropriate with respect to the new Proposed Action, given current environmental concerns, interests, and resource values? **YES**

**Yes, the allotments were meeting standards for land health, a grazing system has been implemented and there will be a continuation of current management.**

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new Proposed Action? **YES, there is no new information.**
4. Are the direct, indirect, and cumulative effects that would result from implementation of the new Proposed Action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document? **YES**

**The new permit is a continuation of the current management.**

5. Is the public involvement and interagency review associated with existing NEPA documents adequate for the current Proposed Action?

**Yes, no issues or concerns were identified in previous scoping.**

#### INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the Kremmling Field Office interdisciplinary team on 12/12/2013. A complete list of resource specialists who participated in this review is available upon request from the Kremmling Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

Name	Title	Area of Responsibility	Date Review Completed
Bill B. Wyatt	Staff Archaeologist	Archaeology/Tribal Consultation, and Paleontology	2/5/2014
Paula Belcher	Hydrologist	Soil, Water, Air, and Riparian	1/22/2014
Megan McGuire	Wildlife Biologist	T&E Species	12/16/2013

**REMARKS:**

*Cultural Resources:* Range permit renewals are undertakings under Section 106 of the National Historic Preservation Act. Range improvements associated with the allotment (e.g., fences, spring improvements) are subject to compliance requirements under Section 106 and would undergo standard cultural resources inventory and evaluation procedures. During Section 106 review, a cultural resource assessment was completed for each allotment in 2000, and a Class I file review was conducted in 2014, following the procedures and guidance outlined in the 1980 National Programmatic Agreement Regarding the Livestock Grazing and Range Improvement Program, IM-WO-99-039, IM-CO-99-007, IM-CO-99-019, and IM-CO-00-026. The results of the assessment are summarized in the tables below. Copies of the cultural resource assessments are in the Kremmling Field Office archaeology files.

*Environmental Consequences/Mitigation:* The direct impacts that occur where livestock concentrate include trampling, chiseling and churning of site soils, cultural features and cultural artifacts, artifact breakage and impacts from standing, leaning and rubbing against historic structures, above ground cultural features and rock art. Indirect impacts include soil erosion, gullyng and increased potential for unlawful collection and vandalism. Continued grazing may cause substantial ground disturbance and cause cumulative, long term, irreversible adverse effects to historic properties.

All undertakings would be in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended and it's implementing regulations. The BLM would determine potential effects of the undertaking including grazing activities to known historic properties that may be eligible for inclusion in the National Register of Historic Places and in consultation with the Colorado State Historic Preservation Officer, would determine appropriate mitigation.

### Allotment #07542

Acres Surveyed at a Class III Level	Acres Not Surveyed at a Class III Level	Percent of Allotment Inventoried at a Class III Level	Eligible or Need Data Sites Known Within the Allotment (N)	Estimated Sites in the Allotment (Total N)	Estimated Eligible or Need Data Sites in the Allotment (N)	Management Recommendations
40	960	4	0	11	3-5	A Class III cultural inventory along water courses 1000 ft wide for a max. of 8 acres, a Class II reconnaissance along the ridge tops for a max of 90 acres, and recording of any discovered sites.

### Allotment #07767

Acres Surveyed at a Class III Level	Acres Not Surveyed at a Class III Level	Percent of Allotment Inventoried at a Class III Level	Eligible or Need Data Sites Known Within the Allotment (N)	Estimated Sites in the Allotment (Total N )	Estimated Eligible or Need Data Sites in the Allotment (N)	Management Recommendations
10	473	2	0	5	1-3	A Class III cultural inventory along water courses 1000 ft wide for a max. of 16 acres, a Class II reconnaissance along the ridge tops for a max of 50 acres, and recording of any discovered sites.

*Native American Religious Concerns:* Tribal consultation was initiated on January 29, 2014, and to date no tribe has identified any area of traditional cultural or spiritual concern. Any future Section 106 action would require new tribal consultation for the action.

*Paleontology:* Allotments #07542 and #07767 are within the Troublesome Formation with a Potential Fossil Yield Classification (PFYC) 4 to 5 with a condition 1. The formation is known to contain mammals, including rodents such as squirrels, rabbits, horned gophers, and horses, camels, artiodactyls, rodents, and coprolite with fossil rodents skull, cats, insects, and fossil hackberry seeds. The potential for fossils is high to very high with areas known to contain vertebrate fossils or noteworthy occurrences of invertebrate or plant fossils.

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Geologic formations sensitive for fossil resources are present, but would not be impacted by the proposed project. BLM standard “discovery” stipulation is part of the environmental assessment and is to be attached to any authorization allowing project to proceed.

Threatened and Endangered Plant and Wildlife Species: The Proposed Action would not impact threatened or endangered plant or wildlife species.

MITIGATION: none

COMPLIANCE PLAN:

Compliance with the renewed livestock grazing permit and its associated terms and conditions would be accomplished through the Kremmling Field Office Range Management Program. Livestock grazing would be monitored by the range staff and other area personnel, as appropriate, to ensure compliance. The Kremmling Field Office Range Monitoring Plan would be used to schedule periodic utilization checks, collect trend data, and evaluate allotment condition. When activity plans have been developed covering an allotment, monitoring methods and schedules included in them would be applied to the allotment. Changes would be made to the permit and/or leases, based on monitoring, when changes are determined necessary to protect land health.

NAME OF PREPARER: Neilie Goodwin

NAME OF ENVIRONMENTAL COORDINATOR: Susan Cassel

CONCLUSION

Based on the review documented above, I conclude that this proposal conforms to applicable land use plan and that the NEPA documentation fully covers the Proposed Action and constitutes BLM’s compliance with the requirements of the NEPA.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Susan Cassel  
Associate Field Manager

DATE SIGNED: 2/5/14

Note: The signed Conclusion in this DNA Worksheet is part of an interim step in the BLM’s internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.





**United States Department of the Interior**  
**BUREAU OF LAND MANAGEMENT**  
Kremmling Field Office  
P.O. Box 68, 2103 E. Park Ave.  
Kremmling, Colorado 80459-0068  
[www.blm.gov/co/st/en/fo/kfo.html](http://www.blm.gov/co/st/en/fo/kfo.html)



In Reply Refer To:  
CO120(4100)

3/5/14

CERTIFIED MAIL NUMBER: 7010 2780 0002 3396 9357  
RETURN RECEIPT REQUESTED

Shawn and Kelly Farrell  
855 CR 37 Star RT  
Parshall, CO 80468

NOTICE OF PROPOSED DECISION

On May 31, 2014, your Bureau of Land Management (BLM) livestock grazing permit #0501780 and lease #0501932 will expire. To become fully processed, your livestock grazing permit and lease has undergone review for consistency and conformance with the Kremmling Field Office Resource Management Plan and compliance with the *National Environmental Policy Act (NEPA)*. The review was conducted through the preparation of DOI-BLM-LLCON02000-2014-017-DNA. Under the authority of 43 CFR 4130.2a, 43 CFR 4130.2d, and 43 CFR 4160.1a, **it is my decision to select the Proposed Action: Renewal of livestock grazing permit #0501780 and lease #0501932 with no changes to the grazing season, number and kind of livestock, or number of animal unit months (AUMs).** Therefore, I offer you livestock grazing permit #0501780 and lease #0501932 that authorizes livestock grazing on Allotment 07542, and Allotment 07767 (McQueary Gulch) from March 1, 2014 through February 28, 2024, unless the base property is leased for less time, in compliance with 43 CFR 4110.1 and 43 CFR 4130.2.

The public will benefit from lands which are in a healthy condition and are able to produce sustainable resources for a variety of uses. To maintain or improve public land health, the BLM will renew livestock grazing permit #0501780 and lease #0501932 consistent with provisions of the *Taylor Grazing Act*, *Public Rangelands Improvement Act*, *Federal Land Policy and Management Act*, and the Kremmling Field Office's *Resource Management Plan/Environmental Impact Statement*, as amended by the *Standards for Public Land Health in Colorado*. Terms and conditions will be applied to the livestock grazing permit which will maintain or improve the public land health.

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These terms and conditions will also meet the public's need to "Stop injury to the public grazing lands by preventing overgrazing and soil deterioration; to provide for their orderly use, improvement, and development; to stabilize the livestock industry dependent upon the public range; and for other purposes," as stated in the *Taylor Grazing Act*. The livestock grazing permit will be monitored by the BLM as specified in the Compliance and Monitoring Plan of the livestock grazing permit renewal DOI-BLM-LLCON02000-2014-017-DNA.

**The livestock grazing permit includes terms and conditions under which the authorized use will be made. Please review the enclosed livestock grazing permit with its terms and conditions. If you accept them, sign, date, and return both copies of the grazing permit to the BLM at the address on the letterhead. Following approval by the BLM, your copy of the new permit will be sent to you.**

Issuance of livestock grazing permit #0501780 and lease #0501932 constitutes a federal action requiring issuance of a proposed decision. This proposed decision affords you protest and appeal rights. These rights are as follows:

Any applicant, permittee, lessee, or other interested public may protest a proposed decision under 43 CFR 4160.1 and 4160.2, in person or in writing to Stephanie Odell, Field Manager, Kremmling Field Office, P.O. Box 68, Kremmling, CO 80459 within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reasons as to why the protested decision is in error.

In accordance with 43 CFR 4163.3a, *in the absence of a protest*, the proposed decision will become the final decision of the Authorized Officer without further notice. In accordance with 43 CFR 4160.3 (b), *upon a timely filing of a protest*, after a review of protests received and other information pertinent to the case the Authorized Officer shall issue a final decision.

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.3 and 4160.4. The appeal must be filed within thirty (30) days following receipt of the final decision or within thirty (30) days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 and 4.479, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the Authorized Officer (address is on the letterhead). The appellant must also serve a copy of the appeal by certified mail on the Office of the Regional Solicitor, Rocky Mountain Region, 755 Parfet Street, Suite 151, Lakewood, CO 80215.

The appeal shall clearly and concisely state the reasons why the appellant thinks the final decision is in error, and otherwise comply with the provisions of 43 CFR 4.470. If you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR

4.471(c), a petition for a stay must show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm, if the stay is not granted
4. Whether the public interest favors granting the stay.

If you have questions regarding the information contained within this decision, the livestock grazing permit, or the protest and appeal process, please contact the Kremmling Field Office at (970) 724-3000.

Sincerely,

Susan Cassel  
Acting Field Manager

Enclosure:

Livestock Grazing Permit #0501780 and Lease #0501932 (2 copies) with Standard Terms and Conditions